



Honorable Gary Spraker
United States Bankruptcy Judge



Entered on Docket
July 19, 2019

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

* * * * *

| | | |
|--------------------|---|-------------------------|
| In re: |) | Case No. BK-14-50333-gs |
| |) | Case No. BK-14-50331-gs |
| ANTHONY THOMAS and |) | |
| |) | (Jointly Administered) |
| WENDI THOMAS, |) | |
| |) | Chapter 7 |
| AT EMERALD, LLC, |) | |
| |) | <u>Hearing</u> |
| Debtors. |) | DATE: June 19, 2019 |
| |) | TIME: 1:00 p.m. |

**ORDER GRANTING EX PARTE REQUEST FOR HEARING
ON SHORTENED NOTICE**

On June 4, 2019, the court held a status conference regarding the chapter 7 trustee's (Trustee) motion to sell certain personal property of the debtors, namely the emerald referred to as the Thomas Emerald (ECF No. 430) (Sale Motion). For the reasons stated on the record at that hearing, the court scheduled a final evidentiary hearing regarding the Sale Motion for July 19, 2019 at 1:00 p.m. The court also requested that counsel for the chapter 7 trustee prepare an order establishing the bid procedures applicable for the auction, which order was entered on July 12, 2019 (ECF No. 510).

On July 8, 2019, debtor Anthony Thomas (Thomas) filed two motions, among other documents. The first is his Notice of Motion and Motion for Judicial Notice of Law & Facts ISO Rule 60(b)(4) Motion to Vacate Void 8-22-2014 Conversion Order (ECF No. 508) (Judicial Notice Motion). The hearing on the Judicial Notice Motion was set at Mr. Thomas's request for September 13, 2019. The second motion recently filed by Mr. Thomas is captioned, Notice of Rule 60(b)(4) Motion & Motion to Vacate Order Void on Its Face in Violation of U.S. Constitutional Due Process Rights; Request for Stay (ECF No. 509) (Rule 60(b) Motion,

1 and together with the Judicial Notice Motion, the Motions). Mr. Thomas requested that this
2 motion be set to be heard in October.

3 On July 12, 2019, this court entered its Order (1) Regarding Pending Motions and
4 Debtor's Request for Stay of Proceedings, and (2) Overruling Debtor's Objections to the
5 Trustee's Bid Procedures Order (ECF No. 512) (Order). Pursuant to that Order, among other
6 things, the court noted that although Mr. Thomas requested a stay of all proceedings in the
7 Motions, because that request was combined with other requests for relief which were
8 scheduled for hearing in September, there was no request currently before the court to stay the
9 July 19, 2019 evidentiary hearing on the Sale Motion, or any other proceeding in this case.

10 On July 18, 2019 at 4:02 p.m., Mr. Thomas filed the Ex Parte Application for an Order
11 Shortening Time and Motion for Stay - Expedited Emergency Hearing (ECF 517)(Motion for
12 OST). Mr. Thomas seeks a 45 day continuance of the evidentiary hearing on the Sale Motion
13 set for today, July 19, 2019. The court has reviewed the Motion for OST. Given the impending
14 continued evidentiary hearing set for later today,

15 IT IS HEREBY ORDERED that the court will hold a hearing on Mr. Thomas's Ex
16 Parte Application for an Order Shortening Time and Motion for Stay - Expedited Emergency
17 Hearing (ECF 517) for the purposes of determining (1) whether time should be shortened to
18 consider the requested continuance, and (2) if appropriate to consider the request for a stay of
19 the July 19, 2019 evidentiary hearing on the Sale Motion at the hearing currently scheduled for
20 **July 19, 2019 at 1:00 p.m.** in the Clifton Young Federal Building, 300 Booth Street,
21 Bankruptcy Courtroom, Fifth Floor, Reno, Nevada, before Bankruptcy Judge Gary Spraker.

22 IT IS FURTHER ORDERED that oppositions to both the request to shorten time and
23 the request for stay of proceedings may be made orally at the hearing.

24 IT IS SO ORDERED.

25 * * * * *

26 Copies sent to all parties via CM/ECF ELECTRONIC NOTICE and via U.S. Mail to:

27 ANTHONY THOMAS
28 7725 PEAVINE PEAK COURT
RENO, NV 89523

###